
By: **Delegates McComas, Anderson, Boteler, Boutin, Cryor, Frush, Gilleland,
Kach, Lee, McDonough, Menes, Quinter, Shank, Smigiel, and F. Turner**
Introduced and read first time: February 13, 2004
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

2 **Injury to or Death of ~~Domesticated Dog or Cat~~ – ~~Compensatory and Punitive~~**
3 **Pet - Damages**

4 ~~FOR the purpose of establishing that a person who negligently injures or causes the~~
5 ~~death of a pet that is a domesticated dog or cat while acting individually or~~
6 ~~through an animal under the person's direction or control shall be liable to the~~
7 ~~owner of the pet for certain compensatory damages not exceeding a certain~~
8 ~~amount; establishing that a person who intentionally injures or causes the~~
9 ~~death of a pet that is a domesticated dog or cat while acting individually or~~
10 ~~through an animal under the person's direction or control shall be liable to the~~
11 ~~owner of the pet for certain compensatory damages; repealing certain provisions~~
12 ~~relating to the recovery of certain damages for the tortious injury or death of a~~
13 ~~pet that is not a domesticated dog or cat; providing certain exceptions to~~
14 ~~liability; establishing that a person who intentionally and with actual malice~~
15 ~~injures or causes the death of a pet that is a domesticated dog or cat while acting~~
16 ~~individually or through an animal under the person's direction or control shall~~
17 ~~be liable to the owner of the pet for certain compensatory and punitive damages;~~
18 ~~defining a certain term; altering a certain definition; providing that this Act~~
19 ~~does not apply to certain customary and normal practices of a person licensed by~~
20 ~~the State to provide veterinary care; providing for the application of this Act;~~
21 ~~and generally relating to civil liability for injuring or causing the death of a pet~~
22 ~~that is a domesticated dog or cat under certain circumstances.~~

23 FOR the purpose of establishing that a person who tortiously causes an injury to or
24 death of a pet is liable to the owner of the pet for certain compensatory damages
25 of not more than a certain amount; defining a certain term; providing for the
26 application of this Act; and generally relating to civil liability for injury or

1 causing the death of a pet under certain circumstances.

2 BY repealing and reenacting, with amendments,
3 Article - Courts and Judicial Proceedings
4 Section 11-110
5 Annotated Code of Maryland
6 (2002 Replacement Volume and 2003 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Courts and Judicial Proceedings**

10 11-110.

11 (a) (1) In this section[, "pet"] THE FOLLOWING WORDS HAVE THE
12 MEANINGS INDICATED.

13 (2) "COMPENSATORY DAMAGES" MEANS:

14 (I) IN THE CASE OF THE DEATH OF A PET, THE FAIR MARKET
15 VALUE OF THE PET BEFORE DEATH AND THE REASONABLE AND NECESSARY COST OF
16 VETERINARY CARE; AND

17 (II) IN THE CASE OF AN INJURY TO A PET, THE REASONABLE AND
18 NECESSARY COST OF VETERINARY CARE.

19 (3) (I) "PET" means a domesticated {animal} ~~DOG OR CAT UNDER THE~~
20 ~~CONTROL OF ITS OWNER OR ITS OWNER'S AGENT.~~

21 ~~{(2) (II) "Pet" does not include livestock.}~~

22 (b) (1) [The measure of damages for tortious injuries to or death of a pet is
23 the market value of the pet before the injury or death or the reasonable cost of
24 veterinary care, but not more than \$5,000 if such charge is greater] A PERSON WHO
25 ~~NEGLIGENTLY INJURES OR CAUSES THE DEATH~~ TORTIOUSLY CAUSES AN INJURY TO
26 OR DEATH OF A PET WHILE ACTING INDIVIDUALLY OR THROUGH AN ANIMAL UNDER
27 THE PERSON'S DIRECTION OR CONTROL IS LIABLE TO THE OWNER OF THE PET FOR
28 COMPENSATORY DAMAGES.

29 (2) THE DAMAGES AWARDED UNDER PARAGRAPH (1) OF THIS
30 SUBSECTION MAY NOT EXCEED ~~\$5,000~~ \$10,000.

31 ~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~
32 ~~PERSON WHO INTENTIONALLY INJURES OR CAUSES THE DEATH OF A PET WHILE~~
33 ~~ACTING INDIVIDUALLY OR THROUGH AN ANIMAL UNDER THE PERSON'S DIRECTION~~
34 ~~OR CONTROL IS LIABLE TO THE OWNER OF THE PET FOR COMPENSATORY DAMAGES.~~

1 ~~(2) A PERSON WHO INTENTIONALLY INJURES OR CAUSES THE DEATH OF~~
2 ~~A PET WHILE ACTING IN SELF DEFENSE, DEFENSE OF ANOTHER, DEFENSE OF A PET,~~
3 ~~OR DEFENSE OF ONE'S PROPERTY IS NOT LIABLE TO THE OWNER OF THE PET UNDER~~
4 ~~THIS SUBSECTION.~~

5 ~~(D) A PERSON WHO INTENTIONALLY AND WITH ACTUAL MALICE INJURES OR~~
6 ~~CAUSES THE DEATH OF A PET WHILE ACTING INDIVIDUALLY OR THROUGH AN~~
7 ~~ANIMAL UNDER THE PERSON'S DIRECTION OR CONTROL IS LIABLE TO THE OWNER~~
8 ~~OF THE PET FOR COMPENSATORY AND PUNITIVE DAMAGES.~~

9 ~~(E) THIS SECTION DOES NOT APPLY TO THE CUSTOMARY AND NORMAL~~
10 ~~PRACTICES OF A PERSON LICENSED BY THE STATE TO PROVIDE VETERINARY CARE.~~

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
12 construed to apply only prospectively and may not be applied or interpreted to have
13 any effect on or application to any cause of action that arises before the effective date
14 of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2004.